

**Department of Public Health and Social Services**  
**Division of Environmental Health**  
**Food Establishment Inspection Report**

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INSPECTION	RSN	TYPE	GRADE	INSPECTION DATE	ESTABLISHMENT NAME
Regular	✓	✓	81  D	09 / 05 / 2018	Benii, A Japanese Restaurant
Follow-up				TIME IN	TIME OUT
Complaint				10:03 AM	5:45 PM
Investigation				PERMIT HOLDER	
Other:				180000668	NSK, INC.
ESTABLISHMENT TYPE			AREA	TELEPHONE	LOCATION (Address)
Restaurant			3	647-1090	5096 1-3-1 New Block 1 Tract 149 Upper Tumon, Guam
No. of Risk Factor/Intervention Violations					10
No. of Repeat Risk Factor/Intervention Violations					0
					RISK CATEGORY
					3

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

Circle or mark "X" designated compliance (IN, OUT, N/O, N/A) for each numbered item. Mark "X" in appropriate box for COS and/or R

IN = In compliance OUT = Not in compliance N/O = Not observed N/A = Not applicable COS = Corrected on-site during inspection R = Repeat violation PTS = Demerit points

Compliance Status			COS	R	PTS
<b>Supervision</b>					
1	IN	<del>OUT</del>			6
Person in charge present, demonstrates knowledge, and performs duties					
<b>Employee Health</b>					
2	IN	<del>OUT</del>			6
Management awareness; policy present					
3	<del>IN</del>	OUT			6
Proper use of reporting, restriction & exclusion					
<b>Good Hygienic Practices</b>					
4	<del>IN</del>	OUT	N/A	N/O	6
Proper eating, tasting, drinking, betelnut, or tobacco use					
5	<del>IN</del>	OUT	N/A	N/O	6
No discharge from eyes, nose, and mouth					
<b>Preventing Contamination by Hands</b>					
6	IN	<del>OUT</del>	N/A	N/O	6
Hands clean and properly washed					
7	<del>IN</del>	OUT	N/A	N/O	6
No bare hand contact with ready-to-eat foods or approved alternate method properly followed					
8	IN	<del>OUT</del>			6
Adequate handwashing facilities supplied & accessible					
<b>Approved Source</b>					
9	<del>IN</del>	OUT			6
Food obtained from approved source					
10	IN	OUT	N/A	<del>N/O</del>	6
Food received at proper temperature					
11	<del>IN</del>	OUT			6
Food in good condition, safe, and unadulterated					
12	IN	OUT	<del>N/A</del>	N/O	6
Required records available: shellstock tags, parasite destruction					
<b>Protection from Contamination</b>					
13	IN	<del>OUT</del>	N/A		6
Food separated and protected					
14	IN	<del>OUT</del>	N/A		6
Food contact surfaces: cleaned & sanitized					
15	<del>IN</del>	OUT			6
Proper disposition of returned, previously served, reconditioned, and unsafe food					

  

Compliance Status			COS	R	PTS
<b>Potentially Hazardous Food (TCS Food)</b>					
16	IN	OUT	N/A	<del>N/O</del>	6
Proper cooking time and temperatures					
17	IN	OUT	N/A	<del>N/O</del>	6
Proper reheating procedures for hot holding					
18	IN	OUT	N/A	<del>N/O</del>	6
Proper cooling time and temperature					
19	<del>IN</del>	OUT	N/A	N/O	6
Proper hot holding temperatures					
20	IN	<del>OUT</del>	N/A		6
Proper cold holding temperatures					
21	IN	<del>OUT</del>	N/A	N/O	6
Proper date marking and disposition					
<b>Consumer Advisory</b>					
22	IN	<del>OUT</del>	N/A		6
Consumer Advisory provided for raw or undercooked foods					
<b>Highly Susceptible Populations</b>					
23	IN	OUT	<del>N/A</del>		6
Pasteurized Foods used; prohibited foods not offered					
<b>Chemical</b>					
24	IN	OUT	<del>N/A</del>		6
Food additives: approved and properly used					
25	IN	<del>OUT</del>			6
Toxic substances properly identified, stored, used					
<b>Conformance with Approved Procedures</b>					
26	IN	OUT	<del>N/A</del>		6
Compliance with variance, specialized process, and HACCP plan					

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health interventions are control measures to prevent foodborne illness or injury.

**GOOD RETAIL PRACTICES**

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods.

Mark "X" in box: if numbered item is not in compliance and/or if COS and/or R. COS = Corrected on-site during inspection R = Repeat violation PTS = Demerit points

Compliance Status			COS	R	PTS
<b>Safe Food and Water</b>					
27		Pasteurized eggs used where required			1
28		Water and Ice from approved source			2
29	<del>IN</del>	Variance obtained for specialized processing methods			1
<b>Food Temperature Control</b>					
30		Proper cooling methods used; adequate equipment for temperature control			1
31		Plant food properly cooked for hot holding			1
32		Approved thawing methods used			1
33	<del>IN</del>	Thermometer provided and accurate			1
<b>Food Identification</b>					
34	<del>IN</del>	Food properly labeled; original container			1
<b>Prevention of Food Contamination</b>					
35	<del>IN</del>	Insects, rodents, and animals not present			2
36	<del>IN</del>	Contamination prevented during food preparation, storage & display			1
37	<del>IN</del>	Personal cleanliness			1
38	<del>IN</del>	Wiping cloths: properly used and stored			1
39		Washing fruits and vegetables			1

I have read and understand the above violation(s), and I am aware of the corrective measures that shall be taken.

Person in Charge (Print and Sign) R. DEL MUNDO Date: 09/05/18

DEH Inspector (Print and Sign) R. DEL MUNDO IR. ORIONDO IV. RYMUNDO

Compliance Status			COS	R	PTS
<b>Proper Use of Utensils</b>					
40	<del>IN</del>	In-use utensils: properly stored			1
41	<del>IN</del>	Utensils, equipment and linens: properly stored, dried, handled			1
42		Single-use/single-service articles: properly stored, used			1
43	<del>IN</del>	Gloves used properly			1
<b>Utensils, Equipment and Vending</b>					
44	<del>IN</del>	Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used			1
45	<del>IN</del>	Warewashing facilities: installed, maintained, used; test strips			1
46	<del>IN</del>	Nonfood-contact surfaces clean			1
<b>Physical Facilities</b>					
47		Hot & cold water available; adequate pressure			2
48		Plumbing installed; proper backflow devices			2
49	<del>IN</del>	Sewage and wastewater properly disposed			2
50	<del>IN</del>	Toilet facilities: properly constructed, supplied, & cleaned			2
51	<del>IN</del>	Garbage/refuse properly disposed; facilities maintained			2
52	<del>IN</del>	Physical facilities installed, maintained, and clean			1
53		Adequate ventilation and lighting; designated areas use			1
<b>Documents and Placards</b>					
54		Sanitary Permit, Health Certificates valid and posted			NA

Follow-up (Mark one): YES NO NONE

**Department of Public Health and Social Services**  
**Division of Environmental Health**  
**Food Establishment Inspection Report**

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ESTABLISHMENT NAME <b>Benii, A Japanese Restaurant</b>		LOCATION (Address) 5096 1-3-1 New Block I Tract 149 Upper Tumon, Guam
INSPECTION DATE 09 / 05 / 2018	SANITARY PERMIT NO. 180000668	PERMIT HOLDER NSK, INC.

**TEMPERATURE OBSERVATIONS**

Item/Location	Temperature (° F)	Item/Location	Temperature (° F)
cut lettuce / front chiller	40.0 / 41.5	raw squid legs / table top chiller	42.5
sushi rice / sushi bar area	81.0 / 81.5	ambient temperature / walk-in chiller	50.0
cooked crab meat / chiller in sushi bar area	40.5 / 42.0	cut lettuce / walk-in chiller	48.0
egg / chiller in sushi bar area	56.5	raw salmon / walk-in chiller	43.5 / 46.0
cooked shrimp / chiller in sushi bar area	46.0	marinated beef / walk-in chiller	47.0
raw salmon / upright chiller in kitchen	45.0	raw chicken / walk-in chiller	36.5 / 45.0
cooked salmon / upright chiller in kitchen	46.0	raw shelled eggs / walk-in chiller	47.0
ambient temperature for chiller in sushi bar area	58.0	beef / upright chiller	40.5
bean sprout / table top chiller	49.5	raw tuna / upright chiller	42.5
tofu / table top chiller	41.0	raw peeled shrimp / upright chiller	43.5

ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
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Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

	A regular inspection was conducted today. The previous inspection was conducted on 08/12/13, which was based on the previous Rules and Regulations Governing Eating and Drinking Establishment. A non-graded assessment of the Guam Food Code (GFC) was also conducted on 07/10/15 to educate the establishment at their facility and assess their potential grade, which resulted in a 50/D.	
	The following violations were observed:	
1	Person-in-charge (PIC) with a manager's certification (MC) was not present during the initial part of the inspection; *COS: PIC with a MC arrived at the establishment within 30 minutes of the inspection; PIC did not perform the necessary duties to ensure compliance with the GFC.  A designated PIC shall be present during all hours of operation, demonstrate knowledge of the GFC, and perform the necessary duties to ensure food safety practices are being followed and implemented in compliance with the GFC.	None
2	Employees were not aware of the employee health policy.  An employee health policy shall be in place, comply with the GFC requirements, and all employees trained on the policy to ensure proper restriction and/or exclusion of sick employees are understood and implemented.	None

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in the immediate suspension of the Sanitary Permit or downgrade. If seeking to appeal the result of any notice or inspection findings, a written request for hearing must be submitted to the Director within the period of time established in the notice for corrections.

Person in Charge (Print and Sign) <b>PEOLITO C. HIPOLITO</b>	Date: 09/05/18
DEH Inspector (Print and Sign) <b>R. DELMUNDO</b> / <b>R. ORIONDO</b> / <b>V. RAYMUNDO</b>	Date: 09/05/18

Rev: 11.28.16

White: DPRSS/DEH

Yellow: Food Establishment

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ESTABLISHMENT NAME <b>Benii, A Japanese Restaurant</b>		LOCATION (Address) 5096 I-3-I New Block 1 Tract 149 Upper Tumon, Guam
INSPECTION DATE <b>09 / 05 / 2018</b>	SANITARY PERMIT NO. <b>180000668</b>	PERMIT HOLDER <b>NSK, INC.</b>

ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
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Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

6	Several employees were observed washing their hands in the food preparation sink, washing and/or rinsing their hands while wearing gloves, and washing their hands without soap and for less than five seconds.  Hands shall be properly washed at designated handwash sinks when changing tasks and in-between glove usage to prevent contamination of food and clean equipment/utensils by hands.	None
8	No hot water provided in male's restroom; no signage provided for handwash sink in kitchen and employee restroom; employees washing wiping cloths in handwashing sink.  Adequate handwashing sinks shall be provided and properly supplied with hot water and signage, be accessible to all employees to encourage all food handlers to properly wash their hands regularly, and only be used for handwashing.	None
13	Multiple food items left uncovered on table tops and inside chillers; several employees' drinks stored on counter tops and with food items; trays stored directly on top of salads with no cover; ice touching unclean surfaces of the ice bin in the sushi bar area and in the ice machine.  Food shall be properly separated and protected to prevent cross-contamination from occurring.	None
14	Utensils being rinsed with water, not washed with soap and not sanitized; several cutting boards with dark stains.  All food contact surfaces shall be properly washed, rinsed, sanitized, and air-dried to prevent cross-contamination from occurring and shall be clean to sight and touch prior to use.	None
20	Multiple Potentially Hazardous Food (PHF)/Time/Temperature Control for Safety (TCS) food did not meet proper cold holding temperatures.  All PHF/TCS foods shall meet an internal cold holding temperature of 41F and below to prevent the growth of pathogens or toxin formation.	None
21	Multiple ready-to-eat (RTE) PHF/TCS food in chill units without date marking (employees were unsure when foods were opened/prepared).  RTE PHF/TCS food prepared more than 24 more hours shall be properly date-marked to	None

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Person In Charge (Print and Sign) <i>REALITO C. HIPALATO</i>	Date: 09/05/18
DEH Inspector (Print and Sign) <i>K. DEL MUNDO</i>	Date: 09/05/18

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	ensure timely disposition of food from pathogens that may cause a foodborne illness.	
22	Multiple menu items did not have consumer advisory for undercooked and raw animal products. A consumer advisory shall be provided to inform customers that certain food items (eggs, meat, and seafood) are being served raw/undercooked, and the risk associated with consuming them.	None
25	Cans of butane stored on shelf above food and on the counter with food and clean utensils. Poisonous/toxic materials shall be properly stored to prevent contamination of food and utensils.	None
29	Acidified sushi rice kept at room temperature without an approved variance. A variance shall be obtained for specialized processing methods to ensure procedures for these processes are approved by the regulatory authority.	None
33	No thermometers provided in chill units; food thermometers not provided and used. Thermometers shall be properly calibrated and used to ensure temperatures are actively being monitored and proper temperatures are maintained.	None
35	One dead cockroach found under the shelf in dry storage area; no other pest activity was observed; back exit door not properly closing providing an outer opening. Pests shall be controlled, and all outer openings shall be protected to prevent the accessibility of pests and the contamination of food and clean equipment/utensils.	None
36	Several buckets of sauces and boxes of food placed directly on the floor of the walk-in chiller. Food products shall be stored at least six inches above the floor to prevent cross-contamination from occurring and facilitate regular cleaning of floors.	None
37	Employee observed wearing beaded bracelet and jewelry ring. No jewelry shall be worn during food handling, except for a plain wedding band, to prevent cross-contamination from occurring.	None

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Person in Charge (Print and Sign) <u>REYNOLDO C. HIPALATO</u>	Date: <u>09/05/18</u>
DEH Inspector (Print and Sign) <u>R. DELMUNDO</u> / <u>R. ORIONDO</u>	Date: <u>09/05/18</u>

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38	Wiping cloth found stored directly on counter top. Wiping cloths shall be stored in a properly diluted sanitizing solution after each use to prevent cross-contamination from occurring.	None
40	In-use utensils stored in a container with water. In-use utensils shall be properly stored to prevent cross-contamination from occurring.	None
41	Clean cups and plates stored in bins with lime deposits; several pans stored directly on kitchen floor (according to employees, pans were cleaned). Utensils and equipment shall be properly stored to prevent cross-contamination from occurring.	None
43	Employees were observed using the same gloves for different tasks. Gloves shall be single-used and proper handwashing practices shall be followed.	None
44	Multiple pallets in the walk-in chiller and dry storage area were made of bare wood; shelves in the walk-in and up-right chiller found with rust; grills inside the oven found with rust; paper towels being used as liners on counter-tops. Non-food contact surface shall be smooth, easily cleanable, non-absorbent, properly designed, and maintained to ensure surfaces can be properly cleaned and sanitized, and cross-contamination is prevented.	None
45	Dishwasher observed with accumulation of lime deposits; chemical test strips not being used. Ware-washing facilities shall be maintained and chemical test strips shall be used to ensure utensils and equipment are properly washed, rinsed, and sanitized with a properly diluted sanitizing solution.	None
46	Dark stains, rust, food particles, and ice build-up in the interior portion of multiple chill units. Non-food contact surfaces shall be cleaned and maintained as often as necessary to prevent cross contamination from occurring.	None

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in the immediate suspension of the Sanitary Permit or downgrade. If seeking to appeal the result of any notice or inspection findings, a written request for hearing must be submitted to the Director within the period of time established in the notice for corrections.

Person in Charge (Print and Sign) <b>RICARDO C. HIPOLITO</b> <i>[Signature]</i>	Date: <b>09/05/18</b>
DEH Inspector (Print and Sign) <b>K. DEL MUNDO</b> <i>[Signature]</i> <b>R. ORIONDO</b> <i>[Signature]</i> <b>V. RAYMUNDO</b> <i>[Signature]</i>	Date: <b>09/05/18</b>

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34	Numerous food items in chill units, freezers, and counter tops not in original container and not labeled.  Foods removed from their original packaging shall be properly labeled with the common name of the food to facilitate proper identification.	None
49	Wastewater from handwash sinks and warewashing sink draining directly to the floor; grease trap not adequately maintained and shows signs of overflow. Last grease trap service was conducted on 08/30/18.  Wastewater shall be properly disposed of in an approved plumbing system, and grease traps shall be maintained as often as necessary to prevent sewage back-up or overflow.	None
50	No self-closing device on employee restroom door and no trash receptacles provided.  A self-closing device shall be provided to ensure doors are kept closed to prevent odors and the attraction of pests and trash receptacles shall be provided to ensure proper disposal of waste.	None
51	No cover provided for trash receptacles right outside back door; refuse containers not provided with tight-fitting cover and were bent and dented.  Outside trash receptacles and refuse containers shall be kept covered and provided with tight-fitting lids to minimize the attraction of pests.	None
52	Dark stains on walls and floors behind the equipment in kitchen area; missing ceiling tiles and vent covers in kitchen area; water from filter attached to the wall spilling onto the kitchen floor;  Physical facilities shall be maintained and cleaned as often as necessary to minimize the attraction of pests and promote the overall sanitation of the establishment.  Photos and videos of violations were taken.  Removed "A" placard no. 01152  Issued "D" placard no. 00396 and Notice of Closure placard and placed on front entrance door  Issued Notice of Closure Letter and Re-inspection Request Form and verbally provided instructions on how to fill out form.	None

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in the immediate suspension of the Sanitary Permit or downgrade. If seeking to appeal the result of any notice or inspection findings, a written request for hearing must be submitted to the Director within the period of time established in the notice for corrections.

Person in Charge (Print and Sign) <u>PEOLITO C. HIPOLITO</u>	Date: <u>09/05/18</u>
DEH Inspector (Print and Sign) <u>K. DEL MUNDO</u> / <u>R. ORIONDO</u> / <u>V. RAYMUNDO</u>	Date: <u>09/05/18</u>

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[illegible]

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Person In Charge (Print and Sign)	REOLITO C. HIPOLITO	Ref: <u>hipolito</u>	Date:	09/05/18
DEH Inspector (Print and Sign)	K. DEL MUNDO	IR. ORIONDO	Date:	09/05/18

